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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3969 OF 2007

Dayanand Kashinath Sabale .. Applicant

V/s

The State of Maharashtra .. Respondent

Mr. J.B. Mane for the applicant.

Mr.Rajesh More, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 7TH DECEMBER 2007

P.C. :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. A crime has been registered against the applicant under C.R. No.198/2007 for the alleged offences punishable under sections 306, 398-A, 322 and 504 read with 34 of the I.P.C. with the Sangola Police Station.

3. The applicant has been arrested on 29th September 2007. Thereafter, investigation has been completed and the charge-sheet has also been filed.

4. A complaint was lodged against the three persons, namely the applicant who is the husband, and father and brother of the applicant. The father and brother of the applicant are already released on bail.

5. The marriage between the applicant and the deceased took place on 13th December 1998. The suicide was committed by the deceased on 24th September 2007, that is after 7 years of the marriage and, therefore, presumption under section 113A of the Evidence Act is not applicable.

6. The allegation is that the applicant was demanding a sum of Rs.20,000/- from the parents of the deceased. However, there is no previous complaint filed against the applicant for the last more than 8 years of marriage.

7. Considering the fact that the applicant has a permanent place of residence at Keedbisari, Taluka Sangola and considering the fact that the suicide has taken place after 7 years of the marriage and during

that period of 7 years there was no previous complaint, in my view, the applicant is entitled to bail. In the circumstances, the application is allowed. The applicant be released on bail on the personal bond of Rs.25,000/- together with two local sureties in the like amount.

(D.G. KARNIK, J.)